

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES D. JAMES,

Defendant.

Case No. 19-03045-01-CR-S-BCW

**MOTION OF THE UNITED STATES FOR PRETRIAL
DETENTION HEARING PURSUANT TO TITLE 18,
UNITED STATES CODE, SECTION 3142(f)**

The United States of America, by and through its undersigned counsel, moves this Court to order the detention of the defendant, James D. James, and states the following in support of the motion:

1. A one-count indictment has been filed charging James with being a felon in possession of a firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions “will reasonably assure the appearance of such person as required and the safety of any other person and the community” if the attorney for the Government moves for such a hearing and the case involves:

“any felony that is not otherwise a crime of violence that involves . . . the possession or use of firearm . . .”

3. On or about October 8, 2018, at approximately 3:38 am, James possessed a Glock Model 19, 9mm pistol, serial number BDUY353, loaded with a full magazine and one round in

the chamber. At that time, James also possessed a partial box (16 rounds) of American Eagle 9mm ammunition, two small plastic baggies containing methamphetamine, a small amount of marijuana, a digital scale, and drug paraphernalia. After James was read his *Miranda* rights, he admitted he was a convicted felon.

4. James has at least three felony convictions, including two convictions for possession of a controlled substance and one conviction for unlawful possession of a firearm. James also has misdemeanor convictions for possession of drug paraphernalia and driving with a suspended or revoked driver's license. At the time of the instant offense, James was driving without a valid driver's license while on probation with the State of Missouri for driving without a valid driver's license.

5. The United States submits that there is clear and convincing evidence that there are no conditions that the Court could place on James's release that would reasonably assure James's appearance in Court and the safety of the community. *See* 18 U.S.C. § 3142(g)(1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons.

6. The United States further submits that James poses a risk to community safety because of his simultaneous possession of a firearm and methamphetamine, a practice inherently dangerous to community safety.

WHEREFORE, based on the foregoing, the United States requests that the Court hold a detention hearing in accordance with Title 18, United States Code, Section 3142(f), and following such hearing, order the detention of James.

Respectfully submitted,

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By /s/ Jessica R. Keller
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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was delivered on April 2, 2019, to the CM/ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Jessica R. Keller

Jessica R. Keller

Special Assistant United States Attorney